

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

Linda S. Muncy,

Plaintiff,

vs.

Northstar Location Services, LLC,

John Doe,

Defendants.

1 : 11 -cv- 0254 JMS -DML

COMPLAINT SEEKING DAMAGES FOR VIOLATION OF
THE FAIR DEBT COLLECTION PRACTICES ACT

I. Introduction

1. This is an action for actual and statutory damages, legal fees and costs pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et. seq (hereinafter referred to as the "FDCPA").

II. Jurisdiction and Venue

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
3. Venue lies in this District pursuant to 28 U.S.C. § 1391(b).

III. Parties

4. Plaintiff in this case, Linda S. Muncy, is a resident of the full age of majority, domiciled in the City of Greenwood, Johnson County, Indiana.
5. Defendant in this case, Northstar Location Services, LLC, (hereinafter referred to as "Northstar"), is a "debt collector" as that term is defined by the FDCPA, and is attempting to collect a debt. Northstar is a corporation organized under the laws of the State of New York whose principal business address is 4285 Genesee Street, Cheektowaga, NY 14225, and is licensed to do business in Indiana.
6. Defendant in this case, John Doe, is an independent contractor or employee of Defendant Northstar whose name or alias is "Brent."

7. Defendant in this case, John Doe, is an independent contractor or employee of Defendant Northstar whose name or alias is "John Carter."

IV. Factual Allegations

8. Northstar is a debt collection agency attempting to collect a debt on behalf of Chase Bank from Plaintiff.
9. Sometime before February 2011, Plaintiff retained the law office of John T. Steinkamp to represent her in bankruptcy.
10. On November 9, 2011, Defendant John Doe, on behalf of Defendant Northstar, contacted Plaintiff via telephone in an attempt to collect a debt.
11. At this time, Plaintiff attempted to provide the caller, "Brent", with her attorney John Steinkamp's name and phone number; at which point she was verbally attacked.
12. Defendant was nasty towards Plaintiff upon being told that she had an attorney and Defendant yelled at Plaintiff during this telephone call. Plaintiff stated that she was scared by Defendant's actions.
13. Defendant John Doe told Plaintiff that he had pulled Plaintiff's credit report and Defendant incorrectly told Plaintiff that she did not have enough unpaid debts to file a bankruptcy.
14. Defendant continued to try to collect on the debt despite Plaintiff informing Defendant that she has retained an attorney to represent her in filing for bankruptcy.
15. On February 16, 2011, Defendant John Doe, on behalf of Defendant Northstar, contacted Plaintiff via telephone in an attempt to collect a debt.
16. At this time, Plaintiff attempted to provide the caller, "John Carter", with her attorney information. At that point, Defendant misrepresented to Plaintiff that they had attempted, but were unable to contact her attorney.

**V. First Claim for Relief:
Violation of the FDCPA**

17. The allegations of Paragraphs 1 through 16 of the complaint are realleged and incorporated herewith by references.
18. Defendants violated the FDCPA by contacting Plaintiff as an attempt to collect a debt despite being informed of their representation by counsel, pursuant to 15 U.S.C. §1692c.
19. Defendants violated the FDCPA by contacting Plaintiffs directly instead of the attorney openly representing the debtors, pursuant to 15 U.S.C. § 1692c.
20. Defendants violated the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of any debt, pursuant to 15 U.S.C. § 1692e by misrepresenting the fact that Plaintiff did not have enough debt to file for bankruptcy.
21. As a result of the above violations of the FDCPA, Defendants are liable to Plaintiff for actual damages, statutory damages of \$1,000, attorney fees, and costs.

WHEREFORE, Plaintiff, having set forth her claims for relief against Defendants, respectfully prays the Court as follows:

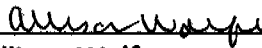
1. That Plaintiff has and recovers against Defendants a sum to be determined by the Court in the form of actual damages;
2. That Plaintiff has and recovers against Defendants a sum to be determined in the form of statutory damages;
3. That Plaintiff has and recovers against Defendants all reasonable legal fees and expenses incurred by the attorney;
4. That Plaintiff has such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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